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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 UNITED STATES OF AMERICA,

10 Plaintiff,

Case No. CR21-31 RSL

11 v.

DETENTION ORDER

12 BENJAMIN LEE BERENS,

13 Defendant.

14 Mr. Berens is charged with one count of production of child pornography, 18 U.S.C.
15 §§ 2251(a) and (e), and one count of possession of depictions of minors engaged in sexually
16 explicit conduct, 18 U.S.C. §§ 2252(a)(4)(B) and (b)(2). The Court held a detention hearing on
17 November 9, 2022, pursuant to 18 U.S.C. § 3142(f), and based upon the reasons for detention as
18 stated in the record and hereafter set forth, finds:

19 FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

- 20 1. There is a rebuttable presumption of detention pursuant to 18 U.S.C. § 3142(e).
- 21 2. Mr. Berens stipulated to detention. Mr. Berens was not interviewed by pretrial
22 services so little is known as to his background and community ties.
- 23 3. Mr. Berens poses a risk of danger due to the nature of the offense.

- 1 4. Based on these findings, and for the reasons stated on the record, there does not
2 appear to be any condition or combination of conditions that will reasonably assure
3 Mr. Berens's appearance at future court hearings while addressing the danger to
4 other persons or the community.
- 5 5. Taken as a whole, the record does not effectively rebut the presumption that no
6 condition or combination of conditions will reasonably assure the appearance of
7 Mr. Berens as required and the safety of the community.

8 IT IS THEREFORE ORDERED:

- 9 (1) Mr. Berens shall be detained pending trial, and committed to the custody of the
10 Attorney General for confinement in a correction facility separate, to the extent
11 practicable, from persons awaiting or serving sentences or being held in custody
12 pending appeal;
- 13 (2) Mr. Berens shall be afforded reasonable opportunity for private consultation with
14 counsel;
- 15 (3) On order of a court of the United States or on request of an attorney for the
16 government, the person in charge of the corrections facility in which Mr. Berens
17 is confined shall deliver him to a United States Marshal for the purpose of an
18 appearance in connection with a court proceeding; and
- 19 (4) The Clerk shall direct copies of this Order to counsel for the United States, to
20 counsel for Mr. Berens, to the United States Marshal, and to the United States
21 Pretrial Services Officer.

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1 Dated this 10 day of November, 2022.

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4 MICHELLE L. PETERSON
5 United States Magistrate Judge
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